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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

CARLOS EDUARDO MAESTRE
BORGES,
Petitioner

CIVIL DOCKET NO. 1:24-CV-398 SEC
P

VERSUS

JUDGE EDWARDS

WARDEN,
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 filed by pro se Petitioner Carlos Eduardo Maestre Borges (“Borges”). Borges is an immigration detainee at the Central Louisiana ICE Processing Center in Jena, Louisiana.

To determine whether Borges is entitled to relief, he must AMEND the Petition.

I. Background

Borges is a native and citizen of Venezuela. He alleges that he was ordered removed on August 23, 2023. ECF No. 1 at 2. Borges asserts that he has been detained for over six months, and his removal is unlikely to occur in the reasonably foreseeable future because Venezuela is not accepting deportees. Therefore, Borges maintains that his detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. Law and Analysis

Under *Zadvydas*, it is presumptively constitutional for an immigration detainee to be detained six months beyond the 90-day removal period following a final order of removal. After the expiration of the six-month period, a detainee may seek his release from custody by demonstrating a “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Agyei-Kodie v. Holder*, 418 F. App’x 317, 318 (5th Cir. 2011); *Zadvydas*, 533 U.S. at 701.

Borges alleges that he was ordered removed on August 23, 2023, but he does not indicate whether he appealed the decision to the Board of Immigration Appeals and, if so, whether the appeal remains pending. Therefore, it is unclear whether Borges’ removal order is final. The date of finality is necessary to determine the commencement of the 90-day removal period and the presumptively reasonable period of detention articulated in *Zadvydas*.

III. Conclusion

Because additional information is required, IT IS ORDERED that Borges AMEND the Petition (ECF No. 1) within thirty (30) days of the filing of this Order to provide the information outlined above.

Failure to comply with this Order may result in dismissal of this action under Rule 41(b) or 16(f) of the Federal Rules of Civil Procedure. Petitioner is further required to notify the Court of any change in his address under Rule 41.3 of the Local Rules for the Western District of Louisiana.

SIGNED on Thursday, April 11, 2024.

A handwritten signature in black ink, appearing to read 'J. H. L. P. M.', written over a horizontal line.

JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE